

State Of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii

October 10, 2008

OAHU

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

SUBJECT: Briefing on Lease and RFQ/RFP Status for He'eia State Park  
as Requested at the August 22, 2008 Meeting of the Board of  
Land and Natural Resources.

At the August 22, 2008 meeting of the Board of Land and Natural Resources the Division of State Parks requested approval for a revocable permit for the Friends of He'eia for He'eia State Park because of the August 31, 2008 expiration of their lease. The Division of State Parks recommended issuing a revocable permit for a period not to exceed one year during which time the Department would pursue the RFQ/RFP process for a new lease. The Land Board approved a revocable permit for the Friends of He'eia for up to one year on a month-to-month basis, with such terms and conditions as may be prescribed by the Chairperson consistent with issuance of the revocable permit.

The Land Board requested an update from the Division of State Parks on whether an educational lease is an option in State Parks and if the law will permit that type of lease to include concession activities or if it would be limited to educational activities. Also to determine if a conservatorship contract is an option and would permit the concession activities. Further the Land Board requested an update on the status of the RFQ/RFP and the timetable for publication.

Educational Lease

Under section 171-43, HRS, the Board may directly lease without recourse to public auction to any eleemosynary or religious organization campsites or sites for youth athletic and/or educational activities in a state park area or on land under the control of the department of land and natural resources at nominal consideration.

Because He'eia State Park is intended to have concessions, section 171-43.1, HRS, (leases to eleemosynary organizations) is more appropriate as it is more general than 171-43, HRS. Under section 171-43.1, HRS, the Board is authorized to enter into lease agreements at nominal consideration, by direct negotiation with eleemosynary organizations which are certified to be tax exempt by the Internal Revenue Service. We believe section 171-43.1, HRS is more appropriate for He'eia State Park to allow for activities such as rental of the large hall at the park. A recent example would be

the Diamond Head Theatre that was issued a lease under section 171-43.1, HRS, for the nominal charge of \$480 per year plus 10% of the concession's gross rental/sales receipts.

#### Conservatorship Contract

Although State Parks does not have an agreement entitled "Conservatorship Contract" it does have a similar "Curator Agreement" and a "Kokua Partnership Agreement". Both of these agreements have been used with volunteer groups performing community service to the State Parks program. A Curator Agreement was developed for volunteer groups assisting with the management of cultural resources and has been expanded to include natural resources. A Kokua Partnership Agreement expanded on the Curator Agreement to include recreational resources. Recently the Kaneohe Canoe Club was issued a Kokua Partnership Agreement for a portion of He'eia State Park. Neither of these types of agreements would be suitable for a concession.

#### Status on RFP for He'eia State Park

The RFP for He'eia State Park has undergone preliminary review by the Attorney General's office and was returned to the Division with comments. The comments and recommendations were reviewed and the document was updated and resubmitted back to the Attorney General's office for final review. A proposed time table follows.

#### Proposed RFP Timeline, (subject to change, based upon further review from the Attorney General's Office.)

Advertisement of RFP	Oct. 15, 2008
Registration Deadline	Oct. 22, 2008
Deadline for Submitting Responses to RFP	Nov. 14, 2008
Recommendation to Land Board of selected offeror to follow	

#### Status on Revocable Permit for the Friends of Heeiea

The Revocable Permit was sent to the Attorney General's office and is pending their review.

Staff will be available to answer any questions.

Respectfully submitted,



Daniel S. Quinn  
State Parks Administrator

Approval/Disapproval:

  
for Laura H. Thielen, Chairperson